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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,896	10/29/2003	Jang-Keun Oh	116511-00116	4509
27557 7590 02/11/2008 BLANK ROME LLP 600 NEW HAMPSHIRE AVENUE, N.W. WASHINGTON, DC 20037				
EXAMINER				
SNIDER, THERESA T				
ART UNIT		PAPER NUMBER		
3723				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/694,896

Applicant(s)

OH, JANG-KEUN

Examiner

Theresa T. Snider

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3 and 6-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3 and 6-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s) Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s) Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1, 3 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Song et al.(6,195,835) in view of Wolf(3,557,399) and JP9-164100.

Song et al. discloses a similar vacuum cleaner however fails to disclose a brush or double bent handle.

Song et al. discloses a nozzle capable of inhaling air containing external dust (fig. 2, #4).

Wolf discloses a brush capable of inhaling air containing external dust (fig. 2, #40). It would have been obvious to one of ordinary skill in the art to provide the brush of Wolf in Song et al. to allow for agitation of a surface to be cleaned to allow for the most effective removal of dirt.

Song et al. discloses a cleaner body for supplying suction force to the brush (fig. 2, #1).

Song et al. discloses a handle tube interposed between the brush and the cleaner body, wherein a part of the handle tube is formed as a handle (fig. 2, #3,8). JP9-164100 discloses a vacuum cleaner with a handle tube interposed between the brush and the cleaner body, wherein a part of the handle tube is formed as a handle that is double bent (fig. 7, #22,10). It would have been obvious to one of ordinary skill in the art to replace the handle of Song et al. with that of JP9-164100, as the structures are disclosed in figures 6-7 of JP9-164100 to be equivalents of each other, to allow for the most effective gripping of the handle tube.

Song et al. discloses a cyclone dust collector having an inlet port and an outlet port and being mounted on the handle tube (fig. 5, #11a,12a, 3',31b).

Song et al. discloses a handle tube body having a first flow conduit in fluid communication with the brush and a suction port connected to the inlet port of the dust collector (fig. 1, #3,4,10).

Song et al. discloses a second flow conduit having an air outlet in fluid communication with a flexible hose at one end and the dust collector at another end (fig. 2, #5,10,2). JP9-164100 discloses a second flow conduit, formed into a double-bent construction, having an air outlet in fluid communication with a flexible hose at one end and a first flow conduit at another end (fig. 7, #10,4,6,3). It is believed the relocation of the cyclone dust collector of Song et al. in view of Wolf and JP9-164100 would be a matter of design choice to one of ordinary skill in the art because the dust collector would be moved further up a conduit that it is already fluidly connected thereto. Therefore the change would be a change of location rather than function.

With respect to claim 3, Wolf discloses a knurled part formed in an external surface of a handle (col. 6, lines 27-35). It would have been obvious to one of ordinary skill in the art to provide the knurled part of Wolf in Song et al. in view of JP9-164100 to prevent an operator's hand from accidentally slipping off of the handle during operation of the cleaner.

With respect to claim 6, Song et al. discloses the dust collector discloses a cyclone body and soil collection receptacle (fig. 3, #20,30).

With respect to claim 7, Song et al. discloses the cyclone body including a suction port, a discharge port and a grill joined to the discharge port (fig. 5, area near #11, area near #12a,50).

Response to Arguments

3. Applicant's arguments filed 1/22/2008 have been fully considered but they are not persuasive. Applicant argues the location of the cyclone dust collector on the handle tube is more than merely a design choice and has advantages as set forth in the specification. This argument is not persuasive because it is believed the 'change of location' of the cyclone dust collector would provide for the advantage of relieving the uneven concentration of load on the handle tube. It is believed the relocation of the cyclone dust collector of Song et al. in view of Wolf and JP9-164100 would be a matter of design choice to one of ordinary skill in the art because the dust collector would be moved further up a conduit that it is already fluidly connected thereto. Therefore the change would be a change of location rather than function.

Applicant argues the prior art fails to disclose the dust collector parallel to the double bent portion of the handle. It is believed if the dust collector of Song et al. in view of Wolf and JP9-164100 were moved further up the conduit, structurally it would need to be parallel to the double bent construction so that it would still be able to be connected to the conduit and mounted under the double bent portion.

******It is noted there are two structural distinctions between the Examiner's combination of prior art and the disclosed invention. It is noted in the disclosed invention, the airflow exits the cyclone dust collector and flows through the double bent construction/second flow conduit whereas, in Examiner's combination, the exiting airflow would be structurally incapable of flowing through the double bent construction. It is further noted, in the Examiner's combination, the cyclone dust collector would need to be parallel with the handle tube body whereas, in the

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disclosed invention, it appears the cyclone dust collector is more or less perpendicular to the handle tube body. Applicant may consider these distinctions when providing his next set of arguments/amendments.**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa T. Snider whose telephone number is (571) 272-1277. The examiner can normally be reached on Monday-Friday (5:30am-2:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Theresa T. Snider/
Primary Examiner, Art Unit 3723

Theresa T. Snider
Primary Examiner
Art Unit 3723

1/31/2008